

092903

U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
1-590-A

Total Pages in this Submission

TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application  
P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

SENSORY FEEDBACK EDUCATIONAL TOOL

and invented by:

Donna James

03916 U.S. PTO

10/673877

092903

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 10/121,797

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

## Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☐ Specification having 15 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

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## Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☒ Formal      Number of Sheets      4
- b. ☐ Informal      Number of Sheets      \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☒ Newly executed (original or copy)      ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail (Specify Label No.): EV 167764250 US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
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Total Pages in this Submission

**Accompanying Application Parts (Continued)**

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_

18. ☒ Additional Enclosures *(please identify below)*:

**COMMUNICATION TO ACCOMPANY FILING OF CONTINUATION APPLICATION  
CLAIMING PRIORITY FROM PRIOR APPLICATION 10/121/797 FILED APRIL 15, 2002**

**EXPRESS ABANDONMENT UNDER 37 CFR 1.138 (for priority application)**

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity) (for priority  
application) and Check No. 4024 in the amount of \$55 for payment of extension fee**

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

19. ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
1-590-A

Total Pages in this Submission

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	20	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	4	- 3 =	1	x \$42.00	\$42.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$375.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$417.00

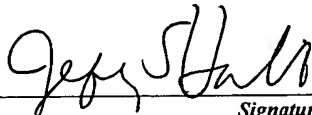
☒ A check in the amount of \$417.00 to cover the filing fee is enclosed.

☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.

- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:


September 29, 2003

  
Signature

Jeffrey S. Habib, Esq.  
Registration No. 42,615  
Hooker & Habib, P.C.  
100 Chestnut St Suite 304  
Harrisburg, PA 17101

cc:

717-232-8771

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>			Docket No.
Applicant(s): Donna James			1-590-A
Serial No.	Filing Date	Examiner	Group Art Unit
Invention: <b>SENSORY FEEDBACK EDUCATIONAL TOOL</b>			
<p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 5px;"><p>Utility Patent Application (small entity), 4 Page Communication to accompany filing of continuation application claiming priority from prior application No. 10/121,797, 1 Page Express Abandonment, 1 Page Petition for Extension of Time</p></div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center;"><u>September 29, 2003</u> <i>(Date)</i></p> <div style="text-align: right;"><p><u>Maria A. Ilgenfritz</u> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p><p><u></u> <i>(Signature of Person Mailing Correspondence)</i></p><p><u>EV167764250</u> <i>("Express Mail" Mailing Label Number)</i></p></div>			
<p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

Attorney's Case No.: 1-590-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donna James	Examiner:
Serial No:	Art Unit:
Filed:	
Title: Sensory Feedback Educational Tool	

Commissioner for Patents  
Alexandria, VA 22313-1450

COMMUNICATION TO ACCOMPANY FILING OF CONTINUATION APPLICATION

CLAIMING PRIORITY FROM PRIOR APPLICATION NO. 10/121,797

FILED APRIL 15, 2002

Dear Sir:

To accompany the filing of the Continuation Application filed concurrently herewith, Applicant respectfully requests entry of the following remarks responsive to the office action dated May 30, 2003 in the prior application.

Claims

Allowed and Allowable Claims from the Priority Application.

Claims 2-4 correspond to claims 10-12 of the '797 application. These priority claims were allowed in the office action.

Claim 1 corresponds to claim 7 of the '797 application rewritten in independent form. Priority claim 7 was an allowable claim if rewritten in independent form.

Rejection of Priority Claim 9 under 35 U.S.C. 103(a).

Claim 20 herein corresponds to claim 9 of the '797 application. Priority claim 9 was rejected under 35 U.S.C. 103(a) as being obvious over Du Brul in view of Gasper.

The examiner asserts that "Du Brul discloses all the limitations of [priority] claim 9 with the exception of the raised or recessed indicia. Such indicia is a known means of providing users with tactile feedback when learning letters. Gasper discloses in column 2, lines 45-48 one such example of a series of letters which is present in raised format. It would have been obvious to one of ordinary skill in the relevant art to modify the device disclosed by providing raised indicia for the purpose of providing the user with indicia that can be tactilely sensed, for providing additional sensory feedback."

Applicant respectfully submits that claim 20 herein is patentable over the art of record.

Claim 20 relates to an educational tool having a writing board having a writing surface, a raised rim extending around the surface for holding a writing medium, and raised or recessed indicia disposed about the surface to provide additional sensory feedback.

As understood, Du Brul discloses a writing board having a writing surface and a raised rim extending around the surface. Gasper discloses raised indicia that can be tactilely sensed.

The examiner states it would have been obvious to modify Du Brul with the raised indicia of Gasper to provide the educational tool claimed in claim 20. Applicant disagrees and respectfully submits that the Du Brul and Gasper references do not establish a *prima facie* showing of obviousness.

A proper Section 103 rejection must be based on a *prima facie* showing that it would have been obvious to a person of ordinary skill to combine the references. Some of the elements to establish

a *prima facie* case of obviousness include some suggestion or motivation (either in the references themselves or in the knowledge generally available to one of ordinary skill in the art) to modify the reference or to combine reference teachings, and the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §§ 706.02(j), 2142.

The proposed combination by the examiner does not meet the basic criteria stated above. There is no suggestion or motivation in the Du Brul or Gasper references to combine the reference teachings. The examiner makes only a conclusary statement that it would be obvious to combine references but does not identify the motivation to do so other than the teachings of the applicant herself.

A proper Section 103 rejection not being made out in the priority application, allowance of claim 20 herein is respectfully requested. Claims 18-23 and 25-43 depend from allowable claims and are thus allowable.

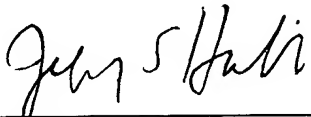


Conclusion

Applicant submits that the application is in condition for formal allowance. Such action is solicited.

Respectfully submitted,

DONNA JAMES

By   
\_\_\_\_\_  
Jeffrey S. Habib, Esq.  
Hooker & Habib, P.C.  
Attorney of Record  
Reg. No. 42,615

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## EXPRESS ABANDONMENT UNDER 37 CFR 1.138

Send completed form to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/121,797
Filing Date	April 15, 2002
First Named Inventor	James, Donna
Art Unit	3712
Examiner Name	Fenstrom, Kurt
Attorney Docket Number	1-590

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as of the filing date of this paper.)

1. ☐ **Express Abandonment**

I request that the above-identified application be expressly abandoned as of the filing date of this paper.

2. ☒ **Express Abandonment in Favor of a Continuing Application**

I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

**NOTE:** A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

**TO AVOID PUBLICATION, PLEASE USE FORM PTO/SB/24A INSTEAD OF THIS FORM.**

I am the: ☐ applicant.

☐ assignee of record of the entire interest. See 37 CFR 3.71.

☐ Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record. Registration Number 42,615

☐ attorney or agent acting under 37 CFR 1.34(a) (may act under 37 CFR 1.34(a) only if box 2 above, stating that the application is expressly abandoned in favor of a continuing application, is checked). Attorney or agent registration number if acting under 37 CFR 1.34(a).

(Attorney or agent registration number)

  
Signature

Jeffrey S. Habib

Typed or printed name

September 29, 2003  
Date

717-232-8771

Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.